

RESPONSE

Election of Claims:

The Office has required election of one of the following groups of claims:

Group I: Claims 1-25 and 27-47, drawn to compositions comprising a nucleic acid encoding an antigen and a non-DNA adjuvant, core carrier particles coated with said compositions, and methods of eliciting an immune response using said compositions or particles, classified in classes 435 and 514, subclasses 320.1 and 44, respectively; and

Group II: Claim 26, drawn to a particle acceleration device, classified in class 124, subclasses 61 or 71.

Applicants hereby elect to prosecute the claims of Group I, claims 1-25 and 27-47, without traverse. Applicants expressly reserve their right under 35 USC §121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

Election of Species:

The Office has also required election among the following species of adjuvant used in the claimed invention:

Species (a): protein;

Species (b): lipid;

Species (c): non-protein hormone;

Species (d): vitamin; and

Species (e): mycobacterial cell wall material.

This election of species requirement is brought under 35 U.S.C. §121. Claims 1-5, 15-34, 36-42 and 44-47 have been indicated as generic to the species.

In response to this species election requirement, applicants hereby elect the **Species (b)**, that is, adjuvants that are lipids. The claims reading on this elected species are claims 1-5, 7, 12, and 15-43. It is to be understood that this election of species is for the purposes of preliminary search only, and that upon allowance of a generic claim, applicants will be entitled to consideration of claims to the additional species.

Election of the **Species (b)** is made herein with limited traverse for the following reason. The Office has indicated that claims 1-5, 15-34, 36-42 and 44-47 are considered as generic to the species. Applicants first note that only claims 1-43 are pending in the present application (there are no claims 44-47). Secondly, applicants submit that just claims 1-5 and 16-28 should be considered as generic to the species, that is, claims 15, 29-34 and 36-42 should not be considered as generic as has been suggested by the Office. For these reasons, then, reconsideration and modification of the election of species requirement is respectfully requested.

CONCLUSION

Applicants respectfully submit that the claims as now pending define an invention which complies with the requirements of 35 U.S.C. § 112 and which is novel and nonobvious over the art. Accordingly, allowance is believed to be in order and an early notification to that effect is earnestly solicited.

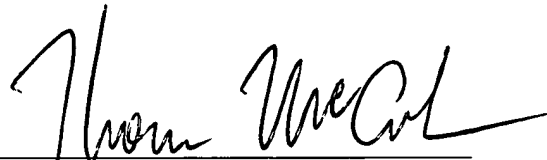
Atty Dkt No. APF 18.20
USSN: 09/433,777
PATENT

If the Examiner notes any further matters which she believes could be expedited by a telephone call, she is requested to contact the undersigned at (510) 742-9700, ext. 209.

Respectfully submitted,

Date: 26 September 2001

By: _____



Thomas P. McCracken

Registration No. 38,548

POWDERJECT TECHNOLOGIES, INC.
6511 Dumbarton Circle
Fremont, CA 94555
Telephone: (510) 742-9700, ext. 209
Fax: (510) 742-9720